

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSEPHINE PHELPS,

Plaintiff,

Case No. 20-cv-1710-bhl

v.

ANDREW SAUL,

Defendant,

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR LEAVE TO
PROCEED WITHOUT PREPAYMENT OF THE FILING FEE (ECF NO. 3)**

Plaintiff Josephine Phelps has filed a complaint seeking review of the decision of the Commissioner of Social Security. Plaintiff has also filed the Court's local form asking to be allowed to proceed without paying the filing fee. In section II(3) of the form, Plaintiff indicates that her "spouse's total *monthly* wages or salary" at Walmart is "\$22,000 gross." This seems likely to be a mistake; if accurate, plaintiff's husband has an annual salary of \$264,000. If true, she does not satisfy the requirements for proceeding without paying the filing fee. While the Court suspects that this statement is mistaken, the Court must accept it as true for purposes of the current motion. Accordingly, based on the information disclosed on the form, the Court concludes that Plaintiff can afford the filing fee and her request for a fee waiver is denied, without prejudice. If the Court is correct and the plaintiff filled out the form incorrectly, she should file a new, corrected form and, once she does, the Court will consider any revised information that she provides. Accordingly,

IT IS ORDERED Plaintiff's request to proceed without paying the filing fee is DENIED without prejudice.

IT IS FURTHER ORDERED Plaintiff shall pay the \$400 filing fee or amend her request to proceed without paying the filing fee on or before **December 10, 2020**. Failure to do so will result in dismissal of this action without prejudice and without further notice.

Dated at Milwaukee, Wisconsin this 19th day of November, 2020.

s/ Brett H. Ludwig
Brett H. Ludwig
United States District Judge